IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1016 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LAXMIBAI W/O BRAHMAJI VISHNUJI

Versus

TULSIBEN VISHNUJI GUDDE

Appearance:

1. Civil Revision Application No. 1016 of 1998

MR KV SHELAT for Petitioner No. 1

MR MB GANDHI for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

The petitioner is the original defendant of H.R.P.Suit No.230/1998, which is pending before the Small Causes Court, Ahmedabad. The aforesaid suit is filed by

the present respondents for declaration to the effect that they are tenant of the suit premises and that the defendant may be restrained from taking possession of the same. In the aforesaid suit, an interim application was preferred at Exh.5, which was granted by the trial Court. Against the said order the present petitioner preferred an appeal before the appellate bench of the Small Causes Court, being Appeal from Order No.48/1998. The appellate Court dismissed the said appeal against which this revision is preferred.

2) This revision is filed against an interlocutory order, which is not maintainable in view of the amendment in Section 115 of C.P.C. However, it is pointed out by both the learned advocates that the suit itself is ready for hearing and the matter is fixed for recording of evidence in the first week of April, 2004. Considering the said aspect of the matter, learned advocate Mr.Gandhi states that the respondents shall maintain status-quo during the pendency of the suit. Mr.Shelat for the petitioner also submitted that till the suit is decided, the plaintiff shall not take the possession of the suit premises by executing possession warrant passed in P.S.R.P. proceedings, which is decided in faovur of the present petitioner.

3) In view of the aforesaid statements of learned advocates of both the sides, the parties may maintain status quo prevailing as on today and H.R.P.Suit No.230/1998 is ordered to be decided as expeditiously as possible and latest by 31st December, 2004. This is merely an outer limit therefore, if it is possible to decide the suit earlier, the Court may even try to do that.

4) In view of the above order, Mr.Shelat for the petitioner wants to withdraw this Civil Revision Application. Permission to withdraw this revision is granted. Accordingly, this Civil Revision Application is disposed of as having been withdrawn. Rule is discharged. No order as to costs.

5) Writ to be sent to the trial Court forthwith for the earlier disposal of the suit.

(P.B.Majmudar,J.)
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